

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Raul Gonzalez,
Petitioner,
v.
Warden William Gittere, et al.,
Respondents.

Case No.: 2:24-cv-00816-JAD-EJY

Order Granting Motion for Appointment of Counsel

[ECF No. 4]

8 Pro se Petitioner Raul Gonzalez filed this 28 U.S.C. § 2254 petition for writ of habeas
9 corpus,¹ challenging his 2020 judgment of conviction of first-degree murder with use of a deadly
10 weapon; discharging a firearm at or into occupied structure; and four counts of child abuse,
11 neglect, or endangerment. Gonzalez also moves for appointment of counsel.² I find that the
12 appointment of counsel is in the interests of justice, so **I provisionally appoint the Federal**
13 **Public Defender to represent Gonzalez in this habeas case.**

Discussion

15 Gonzalez is currently serving a lengthy aggregate sentence term of 30 to 76 years. His
16 petition raises relatively complex issues, including numerous claims of ineffective assistance of
17 counsel. In addition, Gonzalez asserts that he is filing a protective petition to preserve his federal
18 habeas claims before the Nevada Court of Appeals reaches a decision on his post-conviction
19 state habeas claims.³ Gonzalez also has an ongoing, separate-but-related federal habeas case.⁴

1 ECF No. 1-1.

2 ECF No. 4.

23||³ ECF No. 1-1 at 10.

⁴ See *Gonzalez v. Gittere*, Case No. 2:21-cv-2055-GMN-DJA.

1 He is financially eligible for appointment of counsel;⁵ although he has paid the filing fee, he
2 lacks the funds to afford counsel.⁶

3 **IT IS THEREFORE ORDERED** that:

- 4 1. Petitioner's Motion for Appointment of Counsel **[ECF No. 4]** is GRANTED.
- 5 2. **The Clerk of the Court is directed to ADD *Gonzalez v. Gittere*, Case No. 2:21-cv-**
6 2055-GMN-DJA, as a related case on the docket of this matter.
- 7 3. **The Federal Public Defender is provisionally appointed as counsel and will have**
8 **until June 28, 2024, to undertake direct representation of petitioner or to**
9 **indicate the office's inability to represent the petitioner in these proceedings.** If
10 the Federal Public Defender is unable to represent the petitioner, I will appoint
11 alternate counsel. Appointed counsel will represent the petitioner in all federal
12 proceedings related to this matter, including any appeals or *certiorari* proceedings,
13 unless allowed to withdraw. Any deadline for the filing of an amended petition or
14 seeking other relief will be set after counsel has entered an appearance. I anticipate
15 setting the deadline for approximately 90 days from entry of the formal order of
16 appointment.
- 17 4. Any deadline established or any extension thereof will not signify any implied finding
18 of a basis for tolling during the time period established. Petitioner at all times
19 remains responsible for calculating the running of the federal limitation period and
20 timely presenting claims. That is, by setting a deadline to amend the petition and/or
21 by granting any extension thereof, I make no finding or representation that the

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23⁵ 18 U.S.C. § 3006A.

⁶ ECF No. 4.

1 petition, any amendments thereto, or any claims contained therein are not subject to
2 dismissal as untimely.⁷

3 **5. The Clerk of Court is directed to ADD** Aaron D. Ford, Attorney General of the
4 State of Nevada, as counsel for respondents and provide the respondents an electronic
5 copy of all items previously filed in this case by regenerating the notice of electronic
6 filing to the Office of the AG only. **Respondents' counsel must enter a notice of**
7 **appearance within 21 days of entry of this order**, but no further response will be
8 required from respondents until further order of the Court.

9 **6. The Clerk of Court is further directed to SEND** a copy of this order to the *pro se*
10 petitioner, the Nevada Attorney General, the Federal Public Defender, and the CJA
11 Coordinator for this division. The Clerk will further provide the Federal Public
12 Defender with copies of all prior filings in this case by regenerating notices of
13 electronic filing.

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16 U.S. District Judge Jennifer A. Dorsey
17 Dated: June 2, 2024

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⁷ See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).